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Remarks:

Reconsideration of the application is requested.

Claims 1-17, 20-23 and 25 remain in the application. Claims 1, 2, 7, and 25 have been amended. Claims 18, 19, and 24 have been cancelled.

In item 1 on page 2 of the above-identified Office action, the Examiner stated that applicant is required to submit proof that the international application was copending with the U.S. national application. It is noted that the German application No. 199 21 246.5 has a filing date of May 7, 1999. The copending International Application Serial No. PCT/DE00/01453 (cover sheet enclosed herewith) designating the U.S. was filed within twelve months of the German application, on May 5, 2000. Within twenty months of the filing date of the German application, a request for an International Search Report (enclosed herewith) was completed, entering the International application into Stage II, thereby providing thirty months from the German filing date for filing an application in the U.S.. Since the instant application was filed on November 7, 2001, within the thirty months, the application was copending with the International application. It is noted that the PCT cover sheet and the Search Report were previously filed.

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The Examiner also stated in item 1 of the Office action, that applicant is required to indicate whether the international application was published under PCT Article 21(2) in English in the first sentence of the specification. The specification has been amended so as to facilitate prosecution of the application.

In item 2 on page 2 of the Office action, the drawings have been objected to under 37 CFR 1.83(a).

More specifically, the Examiner has stated that the encapsulations (claims 10-13) and the further crane, carrier, and container (claims 18-23) must be shown or the features cancelled from the claims. The drawings have been changed so as to facilitate prosecution of the application, and now show the encapsulations, the further crane, carrier, and container. Therefore, the objection to the drawings by the Examiner has been overcome.

In item 4 on page 3 of the Office action, claims 1-25 have been rejected as being indefinite under 35 U.S.C. § 112.

More specifically, the Examiner stated that in claims 1 and 25, line 10, it is not clear relative to what longitudinal refers. The Examiner further stated that in line 14, it is not clear how or in what manner the container is "lowerable".

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Claims 1 and 25 have been amended so as to facilitate prosecution of the application, and now read "ends at said longitudinal sides". Regarding the term "lowerable", claims 1 and 25 have been amended so as to facilitate prosecution of the application, and now include a vertically extendible holding device. Therefore, the rejection has been overcome.

Support for these changes may be found in claim 7 and on page 13, lines 16-18 of the Specification of the instant application.

It is accordingly believed that the specification and the claims meet the requirements of 35 U.S.C. § 112, first and second paragraphs. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved. The above-noted changes to the claims are provided solely for cosmetic or clarificatory reasons. The changes are not provided for overcoming the prior art nor for any reason related to the statutory requirements for a patent.

In item 6 on page 4 of the Office action, claims 1-3, 5-7, and 17 have been rejected as being fully anticipated by MacDonald (U.S. Patent No. 517,468) under 35 U.S.C. § 102.

The rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. The claims are patentable for the reasons set forth below. Support for the changes is found in claim 24 and on page 1, lines 23-25 of the specification.

Claims 1 and 25 have been amended so as to include the subject matter of claim 24. Since claim 24 was not rejected over MacDonald, claims 1 and 25 should be allowable. Since claim 1 is believed to be allowable over MacDonald, dependent claims 2-3, 5-7, and 17 are believed to be allowable as well.

In item 7 on page 4 of the Office action, claims 1-7 and 17 have been rejected as being fully anticipated by Muller (U.S. Patent No. 3,982,642) under 35 U.S.C. § 102.

Claims 1 and 25 have been amended so as to include the subject matter of claim 24. Since claim 24 was not rejected over Muller, claims 1 and 25 should be allowable. Since claim 1 is believed to be allowable over Muller, dependent claims 2-7 and 17 are believed to be allowable as well.

In item 8 on page 5 of the Office action, claims 1-3, 5-6, and 16-25 have been rejected as being fully anticipated by Fosnight (U.S. Patent No. 5,980,183) under 35 U.S.C. § 102.

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In item 9 on page 5 of the Office action, claims 1-3, 5-6, and 16-25 have been rejected as being fully anticipated by Fosnight (WO 98/46503) under 35 U.S.C. § 102.

Since both of the Fosnight documents pertain to the same invention, the comments provided below pertain to both of the rejections over Fosnight.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claims 1 and 25 call for, *inter alia*:

two parallel crane tracks extending above the fabrication units... and a transport container movably mounted to the holding device such that the transport container is guidable over the fabrication units and is lowerable to the fabrication units.

The Fosnight reference discloses an intrabay buffer, delivery and stocker system including a pair of shuttles capable of transferring a pod in an x-z plane between the interbay transport system. The horizontally and vertically moveable shuttle operates at the same height as the production tools (102). Fosnight also discloses that storage shelves (106) are

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provided next to the process tools (102), which are disposed in rows.

The reference does not show two parallel crane tracks extending above the fabrication units... and a transport container movably mounted to the holding device such that the transport container is guidable over the fabrication units and is lowerable to the fabrication units, as recited in claims 1 and 25 of the instant application. The transport system as claimed in the instant application allows conveying of the semiconductor products in a true three-dimensional manner.

The Fosnight reference does not disclose parallel crane tracks located above the fabrication units. This is contrary to the invention of the instant application as claimed, in which the parallel crane tracks are located above the fabrication units. Furthermore, Fosnight does not disclose that the shuttles (116) are movable above the process tools (102). This is also contrary to the invention of the instant application as claimed, in which the transport container is guidable over the fabrication units and is lowerable to the fabrication units.

Furthermore, it is noted that Fosnight discloses that an overhead transport system includes several disadvantages (column 4, line 7-21). Moreover, the installation according to Fosnight requires that all process tools (102) be located in rows. Fosnight discloses that it is necessary to provide a

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conventional interbay delivery system, which transports semiconductor products from one side of the bay to another (column 13, lines 55-60). Therefore, Fosnight teaches away from the present invention.

Since claim 1 is believed to be allowable over Fosnight, dependent claims 2, 3, 5-6, and 16-23 are believed to be allowable as well.

In item 10 on page 5 of the Office action, claims 1-6, 10, 16, and 18-25 have been rejected as being fully anticipated by Bonora et al. (WO 99/02436) (hereinafter "Bonora") under 35 U.S.C. § 102.

The Bonora reference discloses a storage, delivery and retrieval system for handling pods (132), which includes a plurality of shelves (114), vertical rails (116) and a horizontal rail (118) extending between and being translationally mounted to the vertical rails (116). The horizontal rail (118) supports a gripper (120). The movement of the horizontal rail (118) along the vertical rails (116) and the movement of the gripper (120) along the horizontal rail (118), allows the gripper to be positioned at any location within an X-Z plane. The Bonora reference discloses that all transport of the pods (132) by the system occurs without the pods leaving the X-Z plane of the shelves (114).

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Bonora discloses that this feature contributes to the small footprint of the system.

The reference does not show two parallel crane tracks extending above the fabrication units... and a transport container movably mounted to the holding device such that the transport container is guidable over the fabrication units and is lowerable to the fabrication units, as recited in claims 1 and 25 of the instant application. The transport system as claimed in the instant application allows conveying of the semiconductor products in a true three-dimensional manner.

The Bonora reference does not disclose parallel crane tracks located above the fabrication units. This is contrary to the invention of the instant application as claimed, in which the parallel crane tracks are located above the fabrication units. Furthermore, Bonora does not disclose that the shuttles (116) are movable above the process tools (102). This is also contrary to the invention of the instant application as claimed, in which the transport container is guidable over the fabrication units and is lowerable to the fabrication units.

Furthermore, it is noted that the Bonora reference discloses that the two-dimensional system contributes to the small footprint of the system. Therefore, Bonora teaches away from the present invention.

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Since claim 1 is believed to be allowable over Bonora, dependent claims 2-6, 10, 16, and 18-23 are believed to be allowable as well.

In item 12 on page 6 of the Office action, claim 8 has been rejected as being obvious over MacDonald (U.S. Patent No. 517,468) or Muller (U.S. Patent No. 3,982,642) under 35 U.S.C. § 103. Since claim 1 is believed to be allowable, dependent claim 8 is believed to be allowable as well.

In item 13 on page 7 of the Office action, claims 9-15 have been rejected as being obvious over Fosnight (U.S. Patent No. 5,980,183) or Fosnight (WO 98/46503) under 35 U.S.C. § 103. Since claim 1 is believed to be allowable, dependent claims 9-15 are believed to be allowable as well.

In item 14 on page 7 of the Office action, claims 9 and 11-15 have been rejected as being obvious over Bonora (WO 99/02436) under 35 U.S.C. § 103. Since claim 1 is believed to be allowable, dependent claims 9-15 are believed to be allowable as well.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art and since

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all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

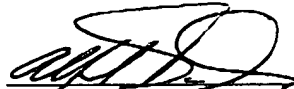
In view of the foregoing, reconsideration and allowance of claims 1-17, 20-23 and 25 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner & Greenberg P.A., No. 12-1099.

Respectfully submitted,



For Applicant(s)

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July 10, 2003

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